

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

CARLOS N. KELLER,

Plaintiff,

v.

CIVIL ACTION NO. 1:10-00938

STATE OF WEST VIRGINIA,

Defendant.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, on July 21, 2010, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b) (1) (B). Doc. No. 3. Magistrate Judge VanDervort submitted to the court his Proposed Findings and Recommendation (PF&R) on June 12, 2013, in which he recommended that the District Court deny plaintiff's application to proceed in forma pauperis (Doc. No. 2), dismiss plaintiff's complaint (Doc. No. 1), and remove this matter from the court's docket. See Doc. No. 4 at 5.

In accordance with 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, within which to file any objections to Magistrate Judge VanDervort's PF&R. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to Magistrate Judge VanDervort's PF&R within the seventeen-day period. Having reviewed the PF&R, the court adopts the findings and recommendations therein. Accordingly, the court **DENIES** plaintiff's motion to proceed in forma pauperis (Doc. No. 2) and **DISMISSES** plaintiff's complaint (Doc. No. 1).

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff, pro se, and counsel of record. The Clerk is further directed to remove this case from the court's active docket.

**IT IS SO ORDERED** this 12th day of July, 2013.

ENTER:

David A. Faber  
David A. Faber  
Senior United States District Judge